

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANCEL MONTENELLI,

Plaintiff,

vs.

LEGEND TASTY HOUSE, INC. AND
JOHN DOE,

Defendants.

Case No. 18-cv-07490

Honorable Judge Sara L. Ellis

**MEMORANDUM IN SUPPORT OF DEFENDANT LEGEND TASTY HOUSE,
INC.'s MOTION TO DISMISS IMPROPER PARTY AND MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

Defendant Legend Tasty House, Inc. ("Legend") files this memorandum in support of their motion to dismiss improper party and motion to dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b) subsection (2) and this Court's Order of July 2, 2019.

1. That on November 12, 2018, Plaintiff Ancel Montenelli ("Montenelli") filed his Complaint in the instant case.
2. That the Plaintiff claims in his complaint that Defendant John Doe is the owner of real property located at 2242 South Wentworth Avenue, Chicago, Illinois 60616 which leases to Co-Defendant Legend Tasty House, Inc. *See Plaintiff's Complaint, which is incorporated by reference, at paragraph 9.*
3. That Plaintiff also claims in his complaint that Co-Defendant Legend Tasty House, Inc. operates the Legend Tasty House restaurant within the leased space

located at 2242 South Wentworth Avenue, Chicago, Illinois 60616. *See Plaintiff's Complaint, which is incorporated by reference, at paragraph 10.*

4. That Plaintiff claims that he personally visited the restaurant which is located within Co-Defendant John Doe's Building. *See Plaintiff's Complaint, which is incorporated by reference, at paragraph 14.*
5. That Qi Lin, Inc. is an active Illinois Corporation with an agent street address of 2242 S. Wentworth Ave., Chicago, IL 60616. *See attached Corporation File Detail Report from the Illinois Secretary of State.*
6. That Defendant Legend Tasty House, Inc. is an active Illinois Corporation with an agent street address of 1828 S. Wentworth Ave., Apt 5c, Chicago, IL 60616. *See attached Corporation File Detail Report from the Illinois Secretary of State.*
7. That Qi Lin, Inc. owns and operates the Legend Tasty House Restaurant located at 2242 S. Wentworth Ave., Chicago, IL 60616. *See attached affidavit of Terry D. Slaw.*
8. That Defendant Legend Tasty House, Inc. does not operate or own any restaurant, business or other entity located at 2242 South Wentworth Avenue, Chicago, Illinois 60616. *See attached affidavit of Terry D. Slaw.*
9. Defendant Legend Tasty House, Inc. is improperly named as a party defendant in the instant case because Legend Tasty House, Inc. does not own, operate, control, lease or maintain any real property or business located at 2242 South Wentworth Avenue, Chicago, Illinois 60616. *Id.*

10. That Defendant Legend Tasty House, Inc. should be dismissed from this lawsuit.

For the reasons stated above, this court should dismiss Plaintiff's Complaint against Defendant Legend Tasty House, Inc. with prejudice.

RESPECTFULLY SUBMITTED,

Dated: July 23, 2019

s/Terry D. Slaw
Terry D. Slaw

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